

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
 : Case No. 10-35780
SLADE, WALTER P. : Chapter 7
SLADE, ANGELA W. : Judge Lawrence S. Walter
 :
Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtors certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

October 4, 2011

/s/ John Paul Rieser

Date of Issuance

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The property at issue is a 2003 Toyota Highlander (“Vehicle”) scheduled by the Debtors. The Debtors scheduled the value of the Vehicle as \$7,250.00. The Trustee determined the value of the Vehicle to be \$8,862.50 based on the average of the NADA average trade in value (\$7,125.00) and the NADA clean retail value (\$10,600.00). From this value, the Trustee deducted (1) Debtors’ exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00; (2) the average cost of sale amount of \$362.50¹. The non-exempt equity owed to creditors for the Vehicle is \$3,900.00 and the Debtors have paid this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

¹ This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

/s/ John Paul Rieser

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 4th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Canice J. Fogarty acflaw_2000@yahoo.com

Stephen D Miles mmiles@mileslaw.com,
sdm@mileslaw.com;lboyce@mileslaw.com

Wayne P Novick gratefullawyer2@gmail.com, novicklaw@gmail.com

/s/ John Paul Rieser

John Paul Rieser [lrs/890]

Label Matrix for local noticing
0648-3
Case 3:10-bk-35780
Southern District of Ohio
Dayton
Mon Oct 3 15:59:17 EDT 2011

American Tax Funding
Box 862658
Orlando, FL 32886-0001

Bank of America
P.O. Box 15026
Wilmington, DE 19886-5026

Capital One Bank USA NA
American InfoSource LP
PO Box 248839
Oklahoma City OK 731248839

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Emerson Keck, Esq.
155 W. Fourth St., Ste. 100
Dayton, OH 45402

Global Credit & Collection Corp.
300 International Drive, Ste. 100
PMB 10015
Buffalo, NY 14221-5783

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Morris Furniture/GEMB
P.O. Box 981438
El Paso, TX 79998-1438

Ohio Department of Job & Family Svc
150 E. Gay Street 21st Floor
Columbus, OH 43215-3191

PNC Mortgage
3232 Newmark Drive
Miamisburg, OH 45342-5433

Asst US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Capital One
15000 Capital One Drive
Richmond, VA 23238-1119

Capital Recovery IV LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

Chase Cardmember Service
P.O. Box 15298
Wilmington, DE 19850-5298

FIA Card Services NABank of America
by American InfoSource LP as its agent
PO Box 248809
Oklahoma City OK 731248809

Great Lakes
P.O. Box 3059
Milwaukee, WI 53201-3059

James E. Swaim
Flanagan, Lieberman, Hoffman & Swaim
318 W. Fourth St.
Dayton, OH 45402-1403

NARS
P.O. Box 701
Chesterfield, MO 63006-0701

Ohio Department of Taxation
ATTN: Bankruptcy Division
P.O. Box 530
Columbus, OH 43266-0030

United States Bankruptcy Court
120 West Third Street
Dayton, OH 45402-1872

Attorney General of Ohio
Collections Enforcement Attn: BNK Staff
150 E. Gay St., 21st Floor
Columbus, OH 43215-3191

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Chase
1820 E. Sky Harbor Cir. South
Phoenix, AZ 85034-4810

Dayton Firefighters Credit Union
338 S. Patterson Blvd
Dayton, OH 45402-2845

GC Services
6330 Gulfton St.
Houston, TX 77081-1198

Great Lakes Educational Loan Services
Claims Filing Unit
PO Box 8973
Madison, WI 53708-8973

Montgomery County Treasurer
451 West Third Street
Dayton, OH 45422-1000

(p)OHIO BUREAU OF WORKERS COMPENSATION
LAW SECTION BANKRUPTCY UNIT
P O BOX 15567
COLUMBUS OH 43215-0567

Ohio Dept. of Job and Family Services
Collections Section
P.O. Box 182404
Columbus, OH 43218-2404

PNC BANK
PO BOX 94982
CLEVELAND,OH 44101-4982

PNC Bank
P.O. Box 3429
Pittsburgh, PA 15230-3429

Sue Van Allen Psychologist
513 Windsor Park Drive
Dayton, OH 45459-4112

US Attorney General
200 W. 2nd St.
Dayton, OH 45402-1443

US Attorney General
Justice Dept.-Tax Division
PO Box 55
Washington, DC 20044-0055

Weltman, Weinberg & Reis
175 South Third St.
Suite 900
Columbus, OH 43215-5177

Angela W Slade
133 Old Salem Road
Dayton, OH 45415-1341

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

Walter Paul Slade
133 Old Salem Road
Dayton, OH 45415-1341

Wayne P Novick
2135 Miamisburg-Centerville Rd
Centerville, OH 45459-3814

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One
Bankruptcy Dept.
P.O. Box 5155
Norcross, GA 30091

Internal Revenue Service
Insolvency, Group 1
550 Main St., Rm. 3525
Cincinnati, OH 45202

(d)Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Ohio Bureau of Workers Compensation
30 W. Spring St.
PO Box 15567
Columbus, OH 43215

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Dayton Firefighters Federal Credit Union

(u)Ohio Department of Job & Family Services

(d)Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

(d)PNC Mortgage
3232 Newmark Drive
Miamisburg, OH 45342-5433

End of Label Matrix
Mailable recipients 39
Bypassed recipients 4
Total 43